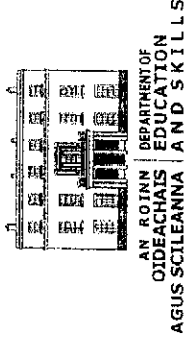


An Roinn Oideachais agus Scileanna
Bóthar Phort Laoise
An Tulach Mhór
Co. Uíbh Fhailí
R35 Y2N5



Department of Education and Skills
Portlaoise Road
Tullamore
Co. Offaly
R35 Y2N5

Ms [REDACTED]

26th October, 2016

FOI request 2016/365

Dear Ms [REDACTED]

I refer to the request which you made under the Freedom of Information Act 2014 for records held by this Department as follows:

All documents containing results of tests and requests for tests for radon levels in St Ita's and St Joseph's school in Tralee, Co Kerry. The results of all tests done for radon levels in that school from the year it was built. Any reports or allegations that were made to the Department of Education, or any relevant Department or the EPA, concerning high radon levels. Documents containing information in relation to cases of radon causing cancer and/or any other diseases/illnesses in Co Kerry, and in particular, Tralee. Any emails to or from the Department of Education or any other Department raising concern about radon levels and cases of cancer and/or any other illnesses/diseases and any emails to or from the EPA containing the same information. Details of any work done in and around the area of the building since 2012 to present date and the name of the company that built the school.

On the 19th of October, 2016, I sought clarifications from you by e-mail on two issues namely:

- 1) *Any reports or allegations that were made to the Department of Education or any relevant Department or the EPA, concerning high radon levels.*

Does this relate specifically to the St. Ita's and St. Joseph's school please otherwise this would be a very broad and voluminous request?

- 2) *Any emails to or from the Department of Education or any other Department raising concern about radon levels and cases of cancer and/or any other illnesses/diseases and any emails to or from the EPA containing the same information.*

This is also a very broad request. The Department has been working with the EPA on an on-going basis in relation to radon detection in some 4,000 schools nationwide for over 20 years and there would be extensive correspondence between the Department and the EPA over that time span, a deal of which is likely to mention the cancer risk associated with radon. Indeed, the Department's Radon Remediation Programme was carried out in the first instance to reduce this risk to pupils and teachers as far as possible.

In addition to this, while we in the Department of Education and Skills are not the competent authority on health matters (including on the link between radon and cancer), we understand from the EPA that there is no link between radon and other health matters.

In the circumstances, I would be grateful if you could clarify the exact information required under this heading to help in providing an appropriate response. For example if you wish to confine the information sought to the school in question, this would narrow the search. You might let me know how you wish to proceed with this element of the request.

You did not respond to my request for clarification and I have taken it that these elements of your request relate specifically to the school in question. However, if my interpretation is incorrect, you may appeal my decision in accordance with the procedures outlined below.

Taking the request for clarification into account, I, Jackie Lynam, Executive Officer have now made a final decision to partially grant your request under Section 13 subsection (1), to offer partial access to certain documents under Section 18 subsection (3) and to partially refuse your request under Section 37 subsection (1) of the Freedom of Information Act 2014.

You have sought access to the records by means of **email communication** and I consider this an appropriate form of access in this case. Accordingly, a copy of the records being released is now attached.

The following is the basis of my decision:

- 1) *All documents containing results of tests and requests for tests for radon levels in St Ita's and St Joseph's school in Tralee, Co Kerry.*

Access to these documents is partially granted under Section 13 subsection (1), and partially refused under Section 37 subsection (1) of the Freedom of Information Act 2014. Some of the test report documents provided under this element of the request do not purport to be a copy of the complete record to which the FOI request relates. The nature of the information being released is the requested test results for the school. The nature of the information being withheld (where this arises in individual test reports) is the names of individual teachers named as occupiers of the tested rooms who may no longer be employed in the school or work in the rooms identified. This information is also being withheld so that no judgement can be arrived at in relation to the personal and private health matters of individual teachers.

- 2) *The results of all tests done for radon levels in that school from the year it was built.*

The Department understands that the school was built sometime in the 1980s. It is not aware of any tests for radon that might have been carried out in the school prior to those carried out under the Department's Radon Remediation Programme which commenced in schools in 1998. Hence, the restricted test results being released under heading 1 above are also the response to the request under this heading. Please be aware that the school is a privately owned and managed institution and its

management authority may have tests carried out privately without recourse to the Department.

- 3) *Any reports or allegations that were made to the Department of Education, or any relevant Department or the EPA, concerning high radon levels.*

Access to these documents is partially granted under Section 13 subsection (1), and partially refused under Section 18 subsection (3) and Section 37 subsection (1) of the Freedom of Information Act 2014. As outlined above, however, I have taken it that this element of your request relates specifically to the school in question and I have released the relevant documents accordingly. The nature of the information being withheld (where this arises in individual documents) relates to the private health of individual teachers or to non-radon related matters between the school authority and the Department.

- 4) *Documents containing information in relation to cases of radon causing cancer and/or any other diseases/illnesses in Co Kerry, and in particular, Tralee.*

Documents under this heading are refused under Section 13 subsection (1) of the Freedom of Information Act 2014 because the Department of Education and Skills is not a competent Health Authority, consequently documents of the nature requested under this heading would not be available in the Department. I would suggest that the competent authorities are, but not limited to, the Department of Health, the Department of Housing, Planning, Community and Local Government and the Environmental Protection Agency.

- 5) *Any emails to or from the Department of Education or any other Department raising concern about radon levels and cases of cancer and/or any other illnesses/diseases and any emails to or from the EPA containing the same information.*

Access to these documents is partially granted under Section 13 subsection (1), and partially refused under Section 18 subsection (3) and Section 37 subsection (1) of the Freedom of Information Act 2014. Again, as I did not receive a clarification from you in relation to the broad nature of this request, I have taken it that this element of your request relates specifically to the school in question and I have partially released the relevant documents available in the Department in this regard. The nature of the information being withheld (where this arises in individual documents) relates to the private health of individual teachers or to non-radon related matters between the school authority and the Department.

- 6) *Details of any work done in and around the area of the building since 2012 to present date and the name of the company that built the school.*

In March 2012, grant aid was provided to the school to carry out works to its heating system. The project was carried out by the school. It is understood that these works were completed in September 2012.

In November 2013, grant approval was given to the school for a 2-classroom ASD Unit extension. The project was carried out by the school. It is understood that these works were completed towards the end of 2014.

Right of appeal


You may appeal this decision. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Education and Skills, Marlborough Street, Dublin 1. Your correspondence should include a fee of €30 (€10 for medical card holders) for processing the appeal. Payment should be made by way of personal cheque or postal money order made payable to the accountant in the Department of Education and Skills. Please note the Department of Education and Skills no longer accept cheque payments from business users. For further information regarding payment methods for business users, please email foi@education.gov.ie

You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays.

However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Should you have any questions or concerns regarding the above, please contact me by telephone on 057 9324442.

Yours sincerely,



Jackie Lynam
Executive Officer
Devolved Schemes